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European enforcement order

Austria



Austria

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

1. Procedures for rectification and withdrawal (Art. 10(2))

- In the case of court judgments and settlements and the arrangements relating to maintenance obligations as referred to in Article 4(3)(b): an application for the withdrawal or rectification of certification as a European enforcement order must be submitted to the court or administrative authority which provided the certification (Section 419(1) and (2) of the Austrian Enforcement Code (*Exekutionsordnung*)).
- In the case of enforceable authentic instruments (*Notariatsakte*): an application for rectification must be made to the notary who drew up the authentic instrument or, if this is not possible, to the official responsible under Sections 119 and 146 of the Austrian Notaries Code (*Notariatsordnung*). Power to withdraw the certification granted by the notary lies with the court that has jurisdiction under procedural law to rule on applications contesting the enforceability of an authentic instrument (Section 419(3) of the Enforcement Code).

2. Procedures for review (Art.19 (1))

- Where the document was properly served: an application for relief (*Antrag auf Wiedereinsetzung in den vorigen Stand*) from the effects of failing to meet the deadline for contesting the claim or failing to attend a hearing.
- Where the document was not properly served: in the case of judgments subject to a one-step procedure, such as a payment order (*Zahlungsbefehl*) or an order for the payment of a bill of exchange (*Wechselzahlungsauftrag*), an application for fresh service (*Antrag auf neuerliche Zustellung*); in the case of a default judgment, a full appeal (*Berufung*); and in the case of other decisions based on default, an appeal on a point of law (*Rekurs*).

3. Accepted languages (Article 20(2)(c))

The language accepted under Article 20(2)(c) is German.

In addition to the official language (German), any person may use Hungarian before the district courts (*Bezirksgerichten*) of Oberpullendorf and Oberwart, Slovenian before the district courts of Ferlach, Eisenkappel and Bleiburg, and Croatian before the district courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart.

4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

- In the case of maintenance arrangements of the kind referred to in Article 4(3)(b): the administrative

authority with which the arrangement was concluded.

- In the case of enforceable authentic instruments: the notary who drew up the authentic instrument or, if this is not possible, the official responsible under Sections 119 and 146 of the Austrian Notaries Code. A complete list of notaries can be found on the website of the Austrian Chamber of Notaries (*Österreichische Notariatskammer*) at the following address: <http://www.notar.at/>.

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